

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.539 OF 2017
IN
WRIT PETITION NO.8814 OF 2014**

Pradip Dinkar Chopade

.. Applicant

In the matter of

Pradip Dinkar Chopade

Vs.

State of Maharashtra and Ors

.. Respondents

...

Mr. I.M.Khairdi for Applicant.

Mr.A.R.Metkari, AGP for Respondent Nos.1 and 2

Mr.C.G.Gavnekar for Respondent Nos.3 and 4

CORAM : A.A.SAYED, J.

DATE : 3 MAY 2017.

P.C. :

1. By this Civil Application, the Applicant/Original Petitioner is seeking to restrain the Respondent Management from undertaking any exercise for the purpose of recruitment of teacher in Hindi Subject in the Respondent No.4 School run by the Respondent/Management during the pendency of the Petition.

2. The ground on which the Applicant seeks the aforementioned relief is stated in para Nos.4 and 5 of the Civil Application which reads as follows:-

- "4. The Applicant states that Shri.Ankush R.P.was the teacher appointed and working in Hindi subject. The said Shri.Ankush R.P is expired and no one is appointed in his place. Thus, the said post in Hindi subject is lying vacant. It is therefore submitted that the Applicant who is rendered services since from 2008 and who is wrongly removed from services from 15.6.2013 be at least appointed, considered and accommodated in the said vacancy so created due to death of Shri.Ankush R.P. It is submitted that the Respondent management is trying to fill in the vacancy created due to death of Shri.Ankush R.P. It is submitted that having regard to pendency of the above petition, it is therefore just and necessary that the Respondent Management and School be restrained by an order of injunction from initiating any recruitment process for the purposes of appointment of teacher in Hindi subject in K.N Bhise Junior Arts, Commerce and Science College, Kurduwadi run by Madha Taluka Shikshan Prasarak Mandal.
5. The Applicant therefore has preferred the present application seeking injunction against the Respondent Management and School from initiating any process so as to fill in the vacancy in Hindi subject occurred due to death of Shri.Ankush R.P. It is submitted that the Applicant is having prima facie good case on merits and hopes to succeed finally. That the balance of convenience is in favour of the Applicant. It is submitted that the Applicant is eligible to teach Hindi which he was teaching while in services in the faculties of Arts and Science. It is submitted that if the interim relief, as prayed, is granted, in favour for the Applicant, the Respondents will not suffer any loss and/or hardship. Per contra, if the interim relief is refused the Applicant will suffer irreparable loss, which cannot be compensated in terms of money".

3. Considering the fact that the Appeal of the Applicant has been dismissed by the School Tribunal, the relief as sought by him cannot be granted. Even otherwise, the post cannot be kept vacant merely because the Petition is pending.

4. The Civil Application is dismissed.

(A.A.SAYED, J.)